



State of California -The Natural Resources Agency
Department of Fish and Game
Department of Forestry and Fire Protection
1416 9th Street
Sacramento, CA 95814

ARNOLD SCHWARZENEGGER, Governor

Donald Koch, Director
Del Walters, Director



September 2, 2009

George Gentry
Executive Officer
Board of Forestry and Fire Protection
PO Box 944246
Sacramento, California 94244-2460

Subject: Anadromous Salmonid Protection Rules, 2009

Dear Mr. Gentry,

Thank you for the opportunity to provide comments on the proposed amendments to the *Anadromous Salmonid Protection Rules, 2009*, Title 14 of the California Code of Regulations. The Departments of Fish and Game (DFG) and Forestry and Fire Protection (CAL FIRE) have collaborated to provide a unified set of detailed agency recommendations. These comments are consistent with the recommendations made by the Departments on June 18, 2009, for the previously noticed rule package. At that time we included detailed comments, labeled as Attachment 1, which are included in this submittal for your reference. The Departments provide further detailed comments (Attachment 2) on the currently proposed rule package. Attachment 2 reinforces our earlier comments, makes minor editorial suggestions and recommends rejection of optional amendments which would substantively reduce the effectiveness of the rules in meeting the stated goals and objectives. Attachment 3 is provided as a list of references used to support our comments and recommendations.

The Departments wish to emphasize their support for site-specific approaches based upon the information requirements specified in the re-noticed plead. If adopted, the Departments commit to work with the Board of Forestry and Fire Protection (Board) to develop a technical rule addendum providing guidance, training and pilot projects to assure implementation of this alternative in a manner that meets the performance objectives of the standard prescriptions.

Our common goal has been to use the best available science to further integrate protection of anadromous salmonids listed under the California Endangered Species Act with the Board's regulations, consistent with the Forest Practice Act and the California Environmental Quality Act in a permanent 2009 threatened or impaired (T/I) watersheds rule, now re-titled "Anadromous Salmonid Protection"

rule. We believe the proposed rule package, together with our recommendations, achieves this goal in a way that provides certainty and flexibility to the regulated public through methods and measures that are both implementable and feasible and that recognize regional differences in forest practices.

For these reasons, the Departments support optional amendments 20, 21, 22, and 23, and 107, which would protect riparian functions to a degree commensurate with the existing T/I rules and reduce concerns over cumulative impacts to listed anadromous species. In contrast, optional amendments 9, 26, 27, 100, 101, 102, 103, 104, 105, and 106 would not provide adequate protection or contribute to recovery and restoration of listed salmonid species and habitat on forested lands should they be adopted.

Finally, we encourage the Board to take action to simplify overlapping regulations that govern protection of anadromous salmonids. We would advise the Board to consider the interaction of the rule package it proposes with the current watercourse and lake protection rules, the interim T/I rules, and the permanent 2112 rules (14 CCR §§ 916.9.1 [936.9.1], 916.9.2 [936.9.2], 923.9.1 [943.9.1], 923.9.2 [943.9.2]) and to eliminate any redundancies that may exist. For example, if the Departments' recommendations are accepted, the Board could eliminate redundancies that would exist between the rule package and the permanent 2112 rules.

We look forward to continuing to work with the Board to adopt permanent rules for the protection of anadromous salmonids. If you have any questions regarding these comments, please contact Mark Stopher, Environmental Program Manager II, at 530.225.2275 (mstopher@dfg.ca.gov) or Bill Snyder, CAL FIRE Deputy Director, at 916.653.4298 (bill.snyder@fire.ca.gov).


Donald Koch, Director
Department of Fish and Game


Del Walters, Director
Department of Forestry and Fire Protection

Attachments

cc: **Natural Resources Agency**
Mike Chrisman, Secretary
Todd Ferrara, Deputy Secretary

California Department of Fish and Game
John McCamman, Chief Deputy Director
Mark Stopher, Environmental Program Manager II

California Fish and Game Commission

John Carlson, Jr., Executive Director

CAL FIRE

Crawford Tuttle, Chief Deputy Director

Bill Snyder, Deputy Director

Chris Zimny, Regulations Coordinator

California Geological Survey

Bill Short, Supervising Engineering Geologist

Central Coast Regional Water Quality Control Board

Roger W. Briggs, Executive Officer San Luis Obispo

Central Valley Regional Water Quality Control Board

Jim Pedri, Assistant Executive Officer, Redding

NOAA Fisheries

Rod McGinnis, Regional Administrator, Long Beach

Charlotte Ambrose, Santa Rosa

North Coast Regional Water Quality Control Board, Santa Rosa

Cat Kuhlman, Executive Officer

San Francisco Bay Regional Water Quality Control Board

Bruce H. Wolfe, Executive Officer, Oakland

State Water Resources Control Board

Charles R. Hoppin, Chair

Dorothy Rice, Executive Officer